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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------------|-------------------------------|
| 09/854,615 | 05/14/2001 | Hiroshi Nomiyama | JP9-2000-0130 (8728-512) | 4823 |
| 7590 | 09/27/2004 | | | EXAMINER POLLACK, MELVIN H |
| Frank Chau F. CHAU & ASSOCIATES, LLP Suite 501 1900 Hempstead Turnpike East Meadow, NY 11554 | | | ART UNIT 2141 | PAPER NUMBER |
| DATE MAILED: 09/27/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/854,615 | NOMIYAMA, HIROSHI | |
| | Examiner | Art Unit | |
| | Melvin H Pollack | 2141 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 May 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 May 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)* | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/24/04, 7/22/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>see attached office action</u> . |

DETAILED ACTION

Drawings

1. Figure 11 is objected to because of several problems in line clarity, unclear blocks sections, etc, which make the figure illegible. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Marked-up Drawings" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d). Failure to

timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “degenerated” in claim 3 is used by the claim to mean “recognizing that two or more words should be grouped to one idea, i.e. ‘application thread’”, while the accepted meaning is “breaking up or parsing the words.” The term is indefinite because the specification does not clearly redefine the term.

6. Claim 3 recites the limitation "degenerated thing" in claim 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Husick et al. (5,675,788).
9. For claim 1, Husick teaches a method (abstract) for arranging information from information sources (col. 1, line 5 – col. 7, line 10) which are connected via network (col. 8, line 50 – col. 9, line 25), comprising the steps of:
 - a. Periodically circulating a plurality of registered information sources (Fig. 1, #112) to collect information (col. 9, lines 15-20);
 - b. Selecting words for topical elements from the collected information (Fig. 7);
 - c. Clustering the selected set of words (Fig. 10); and
 - d. Based on the result of the clustering (col. 2, lines 5-20; col. 5, line 60 – col. 6, line 5), displaying information elements in each cluster (Fig. 4A) based on the time base (col. 14, lines 40-50; published date), and at the same time displaying main keywords from among a set of words in each cluster as representative keywords of that cluster (col. 4, lines 15-60).
10. For claim 2, Husick teaches displaying supplementary information based on keywords included in a text part of the information elements in each cluster (Fig. 4c, 348a).
11. For claim 3, Husick teaches that wherein when a plurality of words can be degenerated into one thing (col. 24, line 10; “George Bush”), further comprising the step of:
 - a. Making the degenerated thing a degenerated expression (Fig. 6b, #142c; col. 23, line 8 – col. 26, line 25); and

b. Said displaying step of displaying the degenerated expression which has newly appeared in each cluster as supplementary information (Fig. 6B, #142L).

12. For claim 4, Husick teaches selecting the words which have newly appeared with highly weighting (Fig. 6B, #142g).

13. For claim 5, Husick teaches that for a specific information source where a specific word is selected, selecting words for topical elements in view of supports by the word from other information sources among said plurality of information sources (col. 31, line 40 – col. 35, line 26).

14. Claim 6 is drawn to the limitations in claim 1, but adds accepting a registration of information sources to acquire information therefrom and words a user has interest in from the user, which Husick also teaches (col. 36, lines 13-31). Therefore, since claim 1 is rejected, claim 6 is also rejected for the reasons above.

15. For claim 7, Husick teaches determining a degree of interest of the user in the individual information sources (col. 35, lines 35-55) and selecting words which have appeared in the information sources with a high degree of interest, with increasing a significance of said words (col. 36, line 30 – col. 37, line 40).

16. Claims 8 and 9 are drawn to the limitations in claims 1 and 5 combined, but add investigating a change of contents to collect information, which Husick also teaches (Fig. 3, #112). Therefore, since claims 1 and 5 are rejected, claims 8 and 9 are also rejected for the reasons above.

17. For claim 10, Husick teaches calculating an amount of topics which individual sites have provided based on the number of extracted elements (Figs. 10-12), and accumulating an index

showing a topic supply capacity of the sites based on the calculated amount of topics (Fig. 4A, #349a)

18. Claims 11 and 12 are drawn to a hardware system that implements the method drawn in claim 1. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claim 1 is rejected, claims 11 and 12 are also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

19. For claim 13, Husick teaches that the output means not only displays on a display device (Fig. 1, #104), but also outputs electronic information on a terminal (Fig. 1, #102) connected via a network (Fig. 1, #108).

20. Claims 14 and 15 are drawn to a hardware system that implements the method drawn in claims 6 and 7, respectively. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claims 6 and 7 are rejected, claims 14 and 15 are also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

21. Claims 16 and 17 are drawn to a software system that implements the method drawn in claim 1. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claim 1 is rejected, claims 16 and 17 are also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

22. Claim 18 is drawn to a software system that implements the method drawn in claim 8. It is well known in the art that a system implementation is functionally equivalent to the underlying

method. Therefore, since claim 8 is rejected, claim 18 is also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

23. Claim 19 is drawn to a software system with program transmission apparatus that implements the method drawn in claim 1. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claim 1 is rejected, claim 19 is also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

Information Disclosure Statement

24. The information disclosure statement filed 24 March 2004 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the "Text mining" article referred to therein has not been considered.

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H Pollack whose telephone number is (703) 305-4641. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP
15 September 2004



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER